

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 05-1849 JH

DAVID REID,

***EXPEDITED RULING
REQUESTED***

Defendant.

**MOTION TO PERMIT DEFENDANT TO TRAVEL
OUT OF STATE FROM SEPTEMBER 26TH
THROUGH SEPTEMBER 30TH, 2005**

Defendant, David Reid, by and through undersigned counsel, hereby moves this Honorable Court to modify the terms and conditions of his release to allow him to travel out of the state of Arizona from Monday, September 26, 2005 to Friday, September 30, 2005 for work-related purposes. Defendant Reid further requests an expedited ruling on this Motion based upon the close proximity of time between the filing of this Motion and when he is scheduled to travel out of the state of Arizona pursuant to the terms of an agreement he has with MRI Medical Manufacturing and Research, Inc. This Motion is more fully supported by the attached Memorandum of Point and Authorities, which is incorporated by this reference.

RESPECTUFLY SUBMITTED this 21st day of September, 2005.

/s/ electronically signed

JERRY DANIEL HERRERA
Attorney for Defendant Reid
620 Roma Avenue, NW
Albuquerque, NM 87102
Telephone: (505) 262-1003

MEMORANDUM OF POINTS AND AUTHORITIES

1. Defendant Reid is an airline pilot who operates a business named RC Aviation, LLC (hereinafter “RC Aviation”) out of Casa Grande, Arizona.
2. RC Aviation has commercial accounts as well as personal accounts to provide air transportation to individuals throughout the country.
3. Defendant Reid is the only licensed pilot employed by RC Aviation.
4. RC Aviation is the primary source of Defendant Reid’s income.
5. RC Aviation has had a commercial contract with MRI Medical Manufacturing & Research, Inc. (hereinafter “MRI”) a company based out of Tucson, Arizona since May 5, 2005. Pursuant to the terms and conditions of the contract, Defendant Reid is to transport MRI’s sales executives in MRI’s plane to different locations throughout the United States for sales meetings.
6. MRI has requested that Defendant Reid provide his services from September 26th to September 30th, 2005. Specifically, Defendant Reid has been requested to transport MRI’s sales executives on the following dates to the following locations: (1) on Monday,

September 26th from Marana, Arizona to Las Vegas, Nevada and back to Marana; (2) on Tuesday, September 27th from Marana, Arizona to Minneapolis, Minnesota; (3) on Wednesday, September 28th from Minneapolis to Chicago, Illinois; (4) on Thursday, September 29th, from Chicago to Columbus, Ohio; and (5) on Friday, September 30th, from Columbus, Ohio to Dayton and then to return back to Marana. *See* correspondence from Joseph R. Lee, Director of Sales and Marketing for MRI dated September 20, 2005, attached hereto as Exhibit “A.”

7. According to the current terms and conditions of release, Defendant Reid’s travel is restricted to Arizona unless otherwise approved by the Court. Defendant Reid’s Pretrial Service’s case supervisor in Tucson, Jose A. Valencia, has indicated to undersigned counsel that he does not have any objection to the above-referenced modification. Additionally, as this Honorable Court is aware, on August 31, 2005, the Honorable Charles R. Pyle of the United States District Court, District of Arizona, modified Defendant Reid’s conditions of release which allowed Defendant Reid to travel to California, Colorado and Wickenburg, Arizona. A true and accurate copy of the Order is attached hereto as Exhibit “B.” That modification was made to allow Defendant Reid to continue to earn a living as a contract pilot.

8. Defendant Reid avows that if the Court permits him to travel out of the State for the dates set forth above, he will maintain regular and continuous contact with Mr. Valencia and his counsel, Arizona attorney Zubair Aslamy and New Mexico attorney Jerry

Daniel Herrera. Contemporaneous with this Motion, counsel Herrera is also filing a Motion for admission of counsel Alsamy, into this Bar, *pro hac vice*. Mr. Reid will have his cellular phone available at all times (except as otherwise not permitted pursuant to FAA regulations) and will provide Mr. Valencia with all documentation necessary to confirm his travel plans.

9. Assistant U.S. Attorney James Braun was contacted to determine his position relative to this Motion. Mr. Braun objects to the modification of the conditions of release.

Wherefore, Defendant Reid requests the Court permit him to travel out of the state of Arizona from September 26th to September 30th, 2005. For the Court's convenience, a proposed form of order is attached to this Motion.

RESPECTFULLY SUBMITTED this 21st day of September, 2005.

/s/ electronically signed

JERRY DANIEL HERRERA
Attorney for Defendant Reid
620 Roma Ave., NW
Albuquerque, New Mexico 87102
Telephone: (505) 262.1003

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Court and faxed to the Assistant United States Attorney and mailed to the following this 21st day of September, 2005.

/s/ electronically signed

Jose Valencia
U.S. Pretrial Services Agency
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